



JPW

Practitioner's Docket No. 2003-IP-009967U1P1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Colin Temple et al.

Application No: 10 / 776,887

Group No.: 1712

Filed: 02/11/2004

Examiner: Tucker, Philip C

For: Drilling Fluids With Improved Shale Inhibition And Methods of Drilling In Subterranean Formations.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))**

NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

(1) The statement specified in paragraph (e) of this section; or

(2) The fee set forth in § 1.17(p)."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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Sheila Gibbs

Signature

Date: 11-6-06

Sheila Gibbs

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [8-4]—page 1 of 3)

11/15/2006 MGBREM1 00000015 080300 10776887

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NOTE: 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

NOTE: "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

WARNING: No extension of time can be had under 37 C.F.R. 1.136 (a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

- (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,
- whichever occurs first.

STATEMENT OR FEE

2. Accompanying this transmittal is

(check either A or B below)

- A. ☐ a statement as specified in 37 C.F.R. § 1.97(e).

OR

- B. ☒ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [8-4]—page 2 of 3)

METHOD OF PAYMENT OF FEE

4.

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 08-0300
- ☒ to Deposit Account No. 08-0300
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No. 36,256

Tel. No.: (580) 251-3012

Customer No.:


SIGNATURE OF PRACTITIONER

Craig W. Roddy

(type or print name of practitioner)

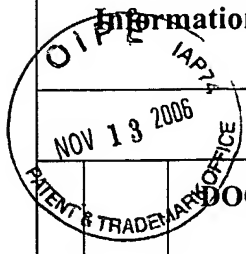
P.O. Box 1431

P.O. Address

Duncan, OK 73536-0440

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [8-4]—page 3 of 3)

PTO-1449	Application No. 10/776,887	Applicant(s) Colin Temple et al.	
	Docket Number 2003-IP-009967U1P1	Group Art Unit 1712	Filing Date 02/11/2004



Information Disclosure Citation in an Application

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	ISSUE/ PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
1	3,623,554	11/30/71	Pence, Jr.	166	293	
2	3,915,232	10/28/75	Gruesbeck et al.	166	295	
3	3,934,651	01/27/76	Nierode et al.	166	282	
4	3,956,145	05/11/76	Christopher, Jr. et al.	252	8.55 D	
5	3,976,140	08/24/76	Shaughnessy et al.	166	295	
6	4,039,029	08/02/77	Gall	166	294	
7	4,042,529	08/16/77	Nimerick et al.	252	363.5	
8	4,343,363	08/10/82	Norton et al.	166	281	
9	4,353,806	10/12/82	Canter et al.	252	8.55 D	
10	4,360,061	11/23/82	Canter et al.	166	274	
11	4,440,653	04/03/84	Bricoe et al.	252	8.55 R	
12	4,488,601	12/18/84	Hammett	166	270	
13	4,536,303	08/20/85	Borchardt	252	8.55 R	
14	4,588,032	05/13/86	Weigand et al.	166	291	
15	4,627,495	12/09/86	Harris et al.	166	280	
16	4,659,750	04/21/87	Sedillo et al.	523	130	

FOREIGN PATENT DOCUMENTS

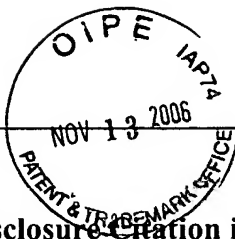
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						Yes	No
17	WO 2005/078047 A1	08/25/05	PCT	C09K	7/02		
18							

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	
19	Halliburton brochure entitled "Accolade™ Drilling Fluid Exceeds New GOM Environmental Standards and Boosts Performance" dated 04/2002	
20	Baker Hughes brochure entitled "MAC-SHIELD Water-Based Fluids" dated 2006.	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



PTO-1449 Information Disclosure Citation in an Application	Application No. 10/776,887	Applicant(s) Colin Temple et al.	
	Docket Number 20034-IP-009967U1P1	Group Art Unit 1712	Filing Date 02/11/2004

U.S. PATENT DOCUMENTS

		DOCUMENT NO.	ISSUE/ PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
	1	4,674,574	06/23/87	Savoly et al.	166	293	
	2	4,740,319	04/26/88	Patel et al.	252	8.515	
	3	4,773,481	09/27/88	Allison et al.	166	270	
	4	4,825,950	05/02/89	Kalpakci et al.	166	273	
	5	4,891,223	01/02/90	Ambegaonkar et al.	424	408	
	6	4,951,921	08/28/90	Stahl et al.	252	8.551	
	7	5,030,366	07/09/91	Wilson et al.	252	8.551	
	8	5,039,433	08/13/91	Sopko et al.	252	8.551	
	9	5,080,809	01/14/92	Stahl et al.	252	8.554	
	10	5,111,886	05/12/92	Dovan et al.	166	300	
	11	5,161,615	11/10/92	Hutchins et al.	166	295	
	12	5,186,257	02/16/93	Stahl et al.	166	273	
	13	5,226,480	07/13/93	Dovan et al.	166	300	
	14	5,291,949	03/08/94	Dovan et al.	166	295	
	15	5,346,550	09/13/94	Kunzi et al.	106	709	
	16	5,382,371	01/17/95	Stahl et al.	507	221	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							Yes	No
	17							
	18							

NON-PATENT DOCUMENTS

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	
	19	Baker Hughes brochure entitled "MAX-SHIELD Safety Data Sheet" dated 10/27/2004	
	20	DYE, BILLY et al., "Design Consideration for High Performance Water-Based Muds" AADE-04-DF-HO-14	

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U.S. PATENT DOCUMENTS

		DOCUMENT NO.	ISSUE/ PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
	1	5,383,521	01/24/95	Onan et al.	166	293	
	2	5,447,198	09/05/95	Kunzi et al.	166	293	
	3	5,458,195	10/17/95	Totten et al.	166	293	
	4	5,472,051	12/05/95	Brothers	166	293	
	5	5,536,311	07/16/96	Rodrigues	106	724	
	6	5,569,324	10/29/96	Totten et al.	106	696	
	7	5,620,947	04/15/97	Elward-Berry	507	229	
	8	5,634,984	06/03/97	Van Sluke	134	40	
	9	5,662,168	09/02/97	Smith	166	295	
	10	5,708,107	01/13/98	Ahmed et al.	526	263	
	11	5,711,376	01/27/98	Sydansk	166	308	
	12	5,723,423	03/03/98	Van Slyke	510	188	
	13	5,780,407	07/14/98	Van Slyke	510	188	
	14	5,788,781	08/04/98	Van Slyke	134	40	
	15	5,855,244	01/05/99	Ahmed et al.	166	295	
	16	5,866,517	02/02/99	Carpenter et al.	507	226	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	
19	Baker Hughes brochure entitled "PERFORMAX™ Material Safety Data Sheet"	
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EXAMINER	DATE CONSIDERED
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U.S. PATENT DOCUMENTS

		DOCUMENT NO.	ISSUE/ PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
	1	5,883,210	03/16/99	Ahmed et al.	526	263	
	2	5,913,364	06/22/99	Sweatman	166	281	
	3	5,922,653	07/13/99	Ahmed et al.	507	242	
	4	5,945,387	08/31/99	Chatterji et al.	507	224	
	5	5,968,879	10/19/99	Onan et al.	507	202	
	6	6,012,524	01/11/00	Chatterji et al.	166	295	
	7	6,030,928	02/29/00	Stahl et al.	507	121	
	8	6,051,670	04/18/00	Ahmed et al.	526	263	
	9	6,060,434	05/09/00	Sweatman et al.	507	216	
	10	6,090,762	07/18/00	Clapperton et al.	510	108	
	11	6,167,967 B1	01/02/01	Sweatman	166	281	
	12	6,176,315 B1	01/23/01	Reddy et al.	166	295	
	13	6,177,396 B1	01/23/01	Clapperton et al.	510	405	
	14	6,196,317 B1	03/06/01	Hardy	166	295	
	15	6,364,016 B1	04/02/02	Dalrymple et al.	166	270	
	16	6,380,136 B1	04/30/02	Bates et al.	507	90	

FOREIGN PATENT DOCUMENTS

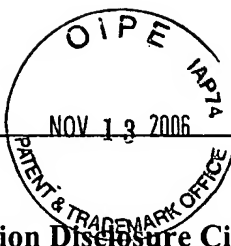
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PTO-1449

Information Disclosure Citation in an Application

Application No.

10/776,887

Applicant(s)

Colin Temple et al.

Docket Number

2003-IP-009967U1P1

Group Art Unit

1712

Filing Date

02/11/2004

U.S. PATENT DOCUMENTS

		DOCUMENT NO.	ISSUE/ PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
	1	6,419,981 B1	07/16/02	Novich et al.	427	180	
	2	6,642,183 B1	11/04/03	Bass et al.	507	129	
	3	6,422,325 B1	07/23/02	Krieger	175	50	
	4	6,423,517 B2	07/23/02	Becker et al.	435	187	
	5	6,451,743 B1	09/17/02	Fox	507	110	
	6	6,497,383 B1	12/24/02	Eoff et al.	166	293	
	7	6,610,810 B2	08/26/03	Phillips et al.	524	201	
	8	6,656,989B1	12/02/03	Benton et al.	524	391	
	9	6,702,044 B2	03/09/04	Reddy et al.	175	64	
	10	6,703,351 B2	03/09/04	Stowe, II et al.	507	117	
	11	6,743,288 B2	06/01/04	Eoff et al.	106	724	
	12	6,770,604 B2	08/03/04	Reddy et al.	507	224	
	13	6,822,061 B2	11/23/04	Eoff et al.	526	287	
	14	6,823,940 B2	11/30/04	Reddy et al.	166	295	
	15	6,837,316 B2	01/04/05	Reddy et al.	175	64	
	16	6,838,417 B2	01/04/05	Bouwmeester et al.	507	206	

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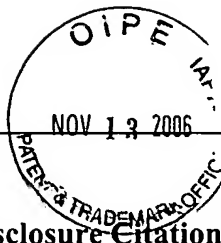
NON-PATENT DOCUMENTS

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U.S. PATENT DOCUMENTS

		DOCUMENT NO.	ISSUE/ PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
	1	6,843,841 B2	01/18/05	Reddy et al.	106	162.2	
	2	6,861,393 B2	03/01/05	Temple et al.	507	119	
	3	6,877,563 B2	04/12/05	Todd et al.	166	312	
	4	7,032,669 B2	04/25/06	Chatterji et al.	166	30	
	5	7,087,554 B2	08/08/06	Youngson et al.	507	123	
	6	2006/0116294 A1	06/01/06	Xiang et al.	507	117	
	7	2006/0231255 A1	10/19/06	Oyler et al.	166	295	
	8	2006/0234875 A1	10/19/06	Oyler et al.	507	229	
	9	2005/0032652 A1	02/10/05	Kirsner et al.	507	100	
	10	2004/0229755 A1	11/18/04	Thaemlitz	507	121	
	11	2004/0132625 A1	07/08/04	Halliday et al.	507	100	
	12	2004/0110644 A1	06/10/04	Halliday et al.	507	100	
	13	2004/0043905 A1	03/04/04	Miller et al.	507	100	
	14	2003/0008778 A1	01/09/03	Donaldson et al.	507	100	
	15	2003/0064897 A1	04/03/03	Kirsner et al.	507	100	
	16	2003/0114317 A1	06/19/03	Benton et al.	507	200	
	17	2003/0144153 A1	07/31/03	Kirsner et al.	507	100	

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